

Handwritten signature

October 7, 2005

EDA
1998 Santa Barbara Street
San Luis Obispo, CA 93401

HEARING DATE: October 3, 2005

SUBJECT: MARK DANIELS – Co File No: SUB2004-00046 / CO 04-0209
Document No. 2005-064

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved by the Subdivision Review Board, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, which are attached for your records. The conditions of approval must be carried out as set forth therein.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

Pursuant to County Real Property Division Ordinance Section 21.04.020, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing, to the Department of Planning and Building. The appeal fee is \$604.00 and must accompany your appeal form. If you have any questions regarding this matter, please contact me at (805) 781-5600.

Sincerely,

Lona Franklin, Secretary Pro Tem
Subdivision Review Board

Enclosures

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 1, 2005 for this project. Mitigation measures are proposed to address air quality, biological resources, public services/utilities, recreation, transportation/circulation, and water and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Rural land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary and secondary dwelling.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is of limited size and scope and is not located in close proximity to significant wildlife habitat.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

EXHIBIT B

CONDITIONS OF APPROVAL FOR CO 04-209

Approved Project

1. A Vesting Tentative Parcel Map to allow subdivision of two approximately ten acre parcels into four parcels of five acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 0.70 acres, and the division will create one on-site road

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Viejo Road fronting the property constructed to a 2/3 A-7(C) section within a 40 foot dedicated right-of-way.
 - b. Zenon Way fronting the property south of Viejo Road constructed to an A-1 section within a 50 foot dedicated right-of-way.
 - c. Zenon Way, north of Viejo Road and fronting proposed Parcel 1, constructed to a 2/3 A-1 section, minimum paved width of 18 feet within a 40 foot dedicated right-of-way.
 - d. Halcyon Road widened to complete an A-1 section fronting the property.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20 foot radius property line return at the intersection of all streets.
 - b. A trail easement along the west side of Zenon Road to the County's A-1(x) standard subject to the review and approval of the County Parks Division. Construction is **not** required as part of this condition.
4. All mitigation measures related to tree removal and/or impacts shall also be implemented during grading and construction of road improvements.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - e. Grading and erosion control plan for subdivision related improvement locations.

- f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Wastewater Disposal

11. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.

Utilities

12. Electric and telephone lines shall be installed underground or overhead.
13. Cable T.V. conduits shall be installed in the street.

14. Gas lines shall be installed.

Design

15. The lot area of all lots shall contain a minimum area of 5.0 acres gross and 4.5 acres net exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030/23.04.021).

Fire Protection

16. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
17. **Prior to final map recordation**, the project shall comply with the Fire Safety Plan from CDF dated August 27, 2004, including all access requirements.

Parks and Recreation (Quimby) Fees

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

19. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

20. **Prior to map recordation**, the applicant shall enter into an open space agreement with the County in a form approved by County Counsel in perpetuity for the areas specified on attached Exhibit C (100-foot wide area on Parcel 2 located 50 feet west of Zenon Way and 50 feet north of Halcyon Road). **The easement shall be shown on all project plans.** The intent of the open space easement is primarily to protect the existing coast live oak trees and allow reestablishment of sensitive native understory. All allowed activities or uses within this open space area shall be limited to what is specified in the easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. All hooved animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable structures shall be setback from the edge of the open space easement area the distance recommended by CDF. This setback shall be **shown on all applicable future construction plans.**

21. **Prior to recordation of the final map**, the applicant shall submit an official well driller's report (construction log), well capacity testing, and water quality testing to the County Department of Environmental Health for review and approval. The applicant shall consult with the County Department of Environmental Health regarding approval of a shared well system.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - b. **Prior to issuance of construction permits for development and soil disturbance (including roads)**, the applicant shall contact the APCD to determine applicability of air quality regulations for the project site regarding developmental burning and naturally occurring asbestos. The applicant shall submit an asbestos survey prepared by a qualified individual if required by the APCD. Contact Melissa Guise of the San Luis Obispo County APCD at 781-4667.
 - c. **Prior to issuance of construction permits**, the applicant shall clearly show on the project plans the type and location of tree protection measures to be employed. All trees to remain on or off-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas when possible. During grading in the root zone, care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
 - d. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

- e. **Prior to issuance of construction permits**, the *Oak Tree Inventory and Mitigation Plan* (Althouse and Meade; October 2004) shall be revised to provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project (11 removed, forty-four replaced), and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed (thirty-nine impacted, seventy-eight replaced). No additional oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project, and no more than thirty-nine oak trees shall be impacted, but not removed, as a result of the development of the project. The plan shall be further revised to require monitoring of replacement areas for at least seven years.
- f. To guarantee the success of the new trees, the applicant shall adhere to the *Oak Tree Inventory and Mitigation Plan* (Althouse and Meade; October 2004), revised as required in BR-3. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
- g. **Throughout the life of the project**, there shall be no cutting, alteration or disturbance of the open space easement or oak tree replanting area, with the exception of site preparation and weeding within the oak tree replanting area under direction of a qualified restoration specialist. Future development on Parcel 1 (remodeling, additions, secondary structures, etc) shall be restricted to existing disturbed areas and no oak tree impacts or removals shall occur.
- h. **If grading and construction activities occur during the nesting season (March 1 through September 1)**, to avoid impacts to nesting birds, the applicant shall retain a County-approved qualified biologist to conduct nesting bird surveys immediately prior to site disturbance. If nesting birds are discovered, all construction activity within a 500-foot buffer for listed bird species nests and a 100-foot buffer for other non-listed bird nests shall halt until the chicks have fledged or left the area.
- i. **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- c. **Prior to issuance of construction permits for development and soil disturbance (including roads)**, the applicant shall contact the APCD to determine applicability of air quality regulations for the project site regarding developmental burning and naturally occurring asbestos. The applicant shall submit an asbestos survey prepared by a qualified individual if required by the APCD. Contact Melissa Guise of the San Luis Obispo County APCD at 781-4667.
- d. **Prior to issuance of construction permits**, the applicant shall clearly show on the project plans the type and location of tree protection measures to be employed. All trees to remain on or off-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas when possible. During grading in the root zone, care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
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development of the project. The plan shall be further revised to require monitoring of replacement areas for at least seven years.

- g. To guarantee the success of the new trees, the applicant shall adhere to the *Oak Tree Inventory and Mitigation Plan* (Althouse and Meade; October 2004), revised as required in BR-3. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
- h. **Throughout the life of the project**, there shall be no cutting, alteration or disturbance of the open space easement or oak tree replanting area, with the exception of site preparation and weeding within the oak tree replanting area under direction of a qualified restoration specialist. Future development on Parcel 1 (remodeling, additions, secondary structures, etc) shall be restricted to existing disturbed areas and no oak tree impacts or removals shall occur.
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- j. **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Miscellaneous

- 24. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 26. The mobile homes located on proposed Parcels 3 and 4 shall be removed or brought into conformance with the Land Use Ordinance prior to recordation of the final map.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for

each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti
and reviewed by James Caruso